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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.: 10/541,555

Group: 1626

371(c) Filing Date: December 23, 2005

Examiner: Joseph R. Kosack

Confirmation No: 2003

For: INDOLE DERIVATIVES AS PPAR MODULATORS

CERTIFICATE OF MAILING OR TRANSMISSION	
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4-17-08	<i>Sandra J. J. J.</i>
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REPLY TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is being filed in response to the Office Action mailed from the U.S. Patent and Trademark Office on March 17, 2008 in the above-identified application.

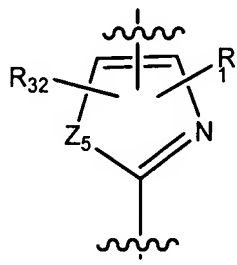
Please amend the application as follows:

**REMARKS****Restriction Requirement**

The Examiner required election of a single invention, to which the claims will be restricted, from among the Groups listed in the Office Action of March 17, 2008. The Examiner further stated that should Applicants be unable to elect a single invention, Applicants may instead choose to elect a single compound and the Examiner would attempt to group it.

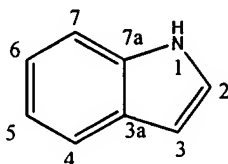
One of the groups defined by the Examiner is Group IV, drawn to compounds and methods of use of compounds of Formula 1, wherein:

- X-U-T1-R2-R33 is attached at position 2 of the indole ring;
- X is O;
- U is CH<sub>2</sub>;



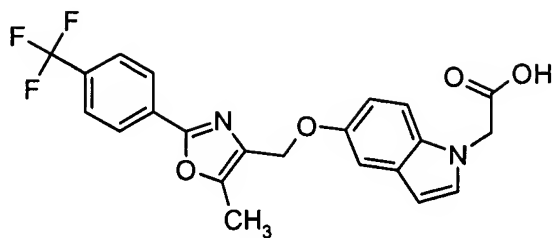
- T1 is ,
- Z5 is O.

Applicants hereby suggest modifying the definition of Group IV by specifying that X-U-T1-R2-R33 is attached at position 5 of the indole ring, wherein the following numbering convention is used:



If the suggested modification is acceptable to the Examiner, Applicants hereby elect the modified Group IV (claims readable on the elected invention are Claims 1-6, 19, 22, 31, 34, 43, 47-51, 64, 67, 88, 92, 94-96, and 140).

If the suggested modification is NOT acceptable to the Examiner, then Applicants hereby choose the single compound of Example 1, page 133 of the instant application:



(Claims 1-6, 19, 22, 47-51, 64, 67, 88, 92, 94-96, and 140.)

### CONCLUSION

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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